IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

: O R D E R :

S.B. Criminal Revision Petition No.996/2007.
(Het Ram Vs. State of Rajasthan & Anr.)

DATE OF ORDER : September 26th , 2007

P R E S E N T

Hon'ble Mr. Justice Gopal Krishan Vyas

Mr. Rakesh Matoria for the petitioner.
Mr. Vishnu Kachchhawaha, P.P.

BY THE COURT :

By this petition, the petitioner is challenging the order dated 02.08.2007 passed by the learned Sessions Judge, Sriganganagarin Criminal Revision No.141/2007 whereby the learned revisional Court quashed order dated 26.04.2007 passed by Judl. Magistrate, Sadulshahar in FR Case No.12/2001 by which the learned Magistrate, while rejecting the FR, took cognizance for offences under Sections 466, 467, 468 and 471, I.P.C. against the non-petitioner.

In the complaint filed by the petitioner on 14.07.2000 before the Judl. Magistrate, Sadulshahar it was alleged that certain plots bearing No.94, 95, 96 and 97 at Chak 34 MJD were allotted in the names of his two sons, mother and him which were purchased by the complainant and his family members in the auction held on 23.10.1987 from the Panchayat concerned. The requisite amount was deposited. It was alleged by the complainant that after some time Sarpanch Jasvinder Kaur committed forgery in the maps in respect of the said plots and the disputed land was allotted in different plots to different persons. The complaint was sent for investigation under Section 156(3), Cr.P.C. and after registering the FIR No.162/2000, the police conducted investigation. After investigation, the police filed negative final report in the matter.

Upon the protest petition filed by the petitioner, statements were recorded under Sections 200 and 202, Cr.P.C. by the learned Magistrate and while rejecting the FR filed by the police, the learned Magistrate vide order dated 26.04.2007 took cognizance of offences against the non-petitioner as noted hereinabove. The said order was challenged before the learned Sessions Judge, Sriganganagar in revision petition which was allowed and order dated 26.04.2007 was set aside vide impugned order dated 02.08.2007 which is under challenge in the present revision petition.

Learned counsel for the petitioner submitted that the impugned order is manifestly erroneous and the learned Magistrate took cognizance of offences against the non-petitioner after careful consideration of the protest

petition and statements recorded under Sections 200 and 202, Cr.P.C. and the learned Magistrate arrived at the conclusion on the basis of the material evidence on record. It is further contended by learned counsel for the petitioner that the learned lower revisional Court has failed to consider this aspect of the case properly and without application of mind upset the conclusion reached by the Magistrate upon appreciation of the material on record. It is, therefore, submitted by learned counsel for the petitioner that the order impugned deserves to be quashed and order dated 26.04.2007 is required to be restored.

I have carefully considered the arguments advanced by learned counsel for the petitioner and perused the order impugned dated 02.08.2007 passed by the revisional Court.

In my opinion, in this case there is no documentary evidence produced by the petitioner before the trial Court and, so also, the police after thorough investigation in the matter filed negative final report with the conclusion that there is no documentary evidence which corroborates the allegation that any offence was committed by the non-petitioner. It is further revealed that civil litigation is going on in between the parties, therefore, in the facts and circumstances of the case, the finding of the revisional Court is rightly arrived at and does not call for any interference. The order passed by the learned Sessions Judge is founded on cogent reasons. I do not find any good ground for interference.

The revision petition is accordingly dismissed.

(Gopal Krishan Vyas) J.